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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,011	07/16/2003	Julie D. Saba	200116.405C1	1654
500 7590 01/15/2008 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE			EXAMINER	
			CHOWDHURY, IQBAL HOSSAIN	
SUITE 5400 SEATTLE, WA 98104		ART UNIT	PAPER NUMBER	
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		•	MAIL DATE	DELIVERY MODE
		·	01/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1) Responsive to communication(s) filed on 29 October 2007. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 12-14.16.20-23.26.27.30 and 31 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 12-14.16.20-23.26-27.30-31 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * O None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 3. Copies of the certified sopies of the priority documents have been received. 4) Interview Summary (FTO-413) Paper No(s)/Mail Date. 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Declacure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application 6) Other: 9) Notice of Informal Patent Application 6) Other:			Application No.	Applicant(s)				
Input Inpu			10/622,011	SABA, JULIE D.				
— The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Edaminos for many be available under be provided or 3d 75R 1.1300, in no event, however, may a reply be timely flad 1 fivo period for reply is specified above, the maximum statistery period will apply and will application (50 US C. § 133). Any reply received by the Office later than these months attack the mailing date of this communication. Fallius to reply which the set or extended period for reply is specified above, the maximum statistery period will apply and will application (50 US C. § 133). Any reply received by the Office later than these months attack the mailing date of this communication. Fallius to reply which the set or extended period for reply is governed by the Office later than these months attack the mailing date of this communication. Provided the mailing date of this communication (S) (51 US C. § 133). Any reply received by the Office later than these months attack the mailing date of this communication. Provided to the mailing date of this communication. Provided the mailing date of this communication. Provided the provided the provided to the mailing date of this communication. Provided the provided transplant to the mailing date of this communication. Provided the provided transplant to the mailing date of this communication. Provided the provided transplant to the provided to the mailing date of this communication. Provided the provided transplant to the mailing date of this communication. Provided the provided transplant to the mailing date of this commun		Office Action Summary	Examiner	Art Unit				
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DETAILED ACTION

Claims 12-14, 16, 19-23, 26-27 and 30-31 are currently pending in the instant application.

The amendment filed on 8/13/2007 amending claims 12, 16, 19-20, 26-27 and 30-31 is acknowledged. Claims 1-11, 15, 17-1824-25 and 28-29 remain cancelled.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/2007 has been entered.

Claims 12-14, 16, 19-23, 26-27 and 30-31 are under consideration.

Rejections and/or objections not reiterated from previous office actions are hereby withdrawn.

Election/Restrictions

The amendment to claims with new limitations (SEQ ID NOs) raise new issues, i.e. claims 12, 16, 19, 20, 23, 27 and 31 comprise patentably distinct polypeptide sequences. A new Restriction requirement is deemed necessary for expedite the prosecution.

Therefore, Restriction to one of the following inventions is also required under 35 U.S.C.

121. Therefore, Election is required one of inventions (A) - (E).

(A). protein of SEQ ID NO: 19 or a nucleic acid encoding SEQ ID NO: 19.

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(B). protein of SEQ ID NO: 20 or a nucleic acid encoding SEQ ID NO: 20.

(C). protein of SEQ ID NO: 21 or a nucleic acid encoding SEQ ID NO: 21.

(D). protein of SEQ ID NO: 28 or a nucleic acid encoding SEQ ID NO: 28.

(E). protein of SEQ ID NO: 29 or a nucleic acid encoding SEQ ID NO: 29.

The inventions are distinct, each from the other because of the following reasons:

The proteins of Group (A)-(E) used in the claimed method are unrelated.

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Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions represent structurally different polypeptides and polynucleotide encoding them. Therefore, where structural identity is

required, such as for hybridization or expression or antibody binding, the different sequences

have different effects.

1.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

(a) the inventions have acquired a separate status in the art in view of their different classification;

(b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;

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(c) the inventions require a different field of search (for example, searching different

classes/subclasses or electronic resources, or employing different search queries);

(d) the prior art applicable to one invention would not likely be applicable to another

invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101

and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include

(i) an election of a invention to be examined even though the requirement may be traversed (37)

CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to

petition, the election must be made with traverse. If the reply does not distinctly and specifically

point out supposed errors in the restriction requirement, the election shall be treated as an

election without traverse. Traversal must be presented at the time of election in order to be

considered timely. Failure to timely traverse the requirement will result in the loss of right to

petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate

which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are

readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct,

applicant should submit evidence or identify such evidence now of record showing the

inventions to be obvious variants or clearly admit on the record that this is the case. In either

instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence

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or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37CFR 1.48b if one or more of the currently named inventors are no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under CFR 1.48 (b) and by the fee required under 37 CFR 1.17 (i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iqbal Chowdhury whose telephone number is 571-272-8137. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on 703-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully,

Iqbal H. Chowdhury, Ph.D., Patent Examiner

Art Unit 1652 (Recombinant enzymes)

Rm. REM 2B69, Mail Box- 2C70

US Patent and Trademark Office

Ph. 571-272-8137, Fax. 571-273-8137